

# Reaction paper on cybercrime act of 2012

Law



Cybercrime Law in the Philippines The Cybercrime Prevention Act of 2012, signed by President Benigno Aquino III on Sep. 12, aims to fight online pornography, hacking, identity theft and spamming following local law enforcement agencies' complaints over the lack of legal tools to combat cybercrime. However, the law came with tougher legal penalties for Internet defamation, compared to traditional media. It also allows authorities to collect data from personal user accounts on social media and listen in on voice and video applications such as Skype, without a warrant.

Users who post defamatory comments on Facebook or Twitter, for example, could be sentenced to up to 12 years in jail. The Cybercrime Prevention Act of 2012, also known as Republic Act 10175, may aim to bring crime-fighting into the 21st century by addressing harmful acts committed with the use of the worldwide web but it raises the risk of rights violations and curtailment of freedom of expression and of the press by expanding the concept of the criminalized act of libel.

The law also raises the penal sentence for libel committed in cyberspace one year longer than that imposed in the Revised Penal Code for libel in general. The salient features of the Act include internationally consistent definitions for certain cybercrimes, nuanced liability for perpetrators of cybercrimes, increased penalties, greater authority granted to law enforcement authorities, expansive jurisdictional authority to prosecute cybercrimes, provisions for international cybercrime coordination efforts and greater ability to combat cybercrimes.

It is highly advisable that the imperfections in the law, the provisions that conflict with other aspects of good governance and national and

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international obligations, be corrected soon through amendments. Strong leadership does not shirk from acknowledging the need to revise and strengthen policy and law. The calls for amendment should not be seen as personal attacks on anyone's character or effectiveness. The Office of the President has replied to the outcry against the libel provision in the new law by saying that freedom comes with responsibility.

Yes, and, indeed we all have responsibilities to respect the rights of others and the press is obliged to observe professional ethical standards, but the regulation of freedom, in order to impose responsibility and order, should not cross the line into curtailment of the freedom or creating an environment in which such rights cannot be fully and equally enjoyed. While the Convention does allow sovereign governments to regulate freedom of expression, such regulation should be done in a way that does not curtail the freedom. The Committee further elaborates in General Comment No. 4 (2011), " States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty. " Among the ironies of the relatively quick passage of this legislation and the timing thereof: 1. It is not compliant with the ICCPR, which was ratified by President Corazon C. Aquino, after decades of non-ratification by President Ferdinand Marcos; 2. It was signed by President Benigno S.

Aquino III days before the country marked the 40th anniversary of the declaration of Martial Law, a period whose chief characteristics include repression of the freedom of expression, freedom of the press, and the right to political participation and dissent; and 3. The 1987 Constitution, whom the

President and all the lawmakers have sworn to uphold has a number of provisions with which this law is not consistent, including the provision that “ No law shall be passed abridging the freedom of speech, of expression, or of the press... ” (Art. 3, Sec. ), the guarantee of “ full respect for human rights,” the recognition of “ the vital role of communication and information in nation-building,” and the inviolable “ right of the people to be secure in their persons, papers and effects against unreasonable searches and seizures. ” I believe that the cybercrime prevention law is constitutional. It has undergone many examinations before making it to the president’s office. The president himself examined and even signed it. If it were unconstitutional, the senate would have noticed it during the revision period.

Many members of the senate should have reacted earlier than they did. Many of them only reacted when the law caught the public’s attention. I think, therefore, that the senators deemed it constitutional before their opinion was tainted with the public’s comments. I am neither against nor pro cybercrime prevention law. I believe the author of the law is only thinking of protecting his countrymen from malicious people of the internet. I would like to believe that he really didn’t mean to suppress our freedom of expression in writing this bill. The law itself does not really state that we can’t write anything we want.

I guess the objective of this bill is to teach Filipino people responsible usage of the internet. People who are victims of slander and other libelous act done on the internet have no way to go when their reputation is being attacked. Due to the passage of this law, there can now be protection for these victims. On the other hand, the law has its own flaws. The public are feeling

uncomfortable that there is a group of people monitoring their activity on the net. For some, especially socially awkward people like me, the web is their only escape from their life.

And the idea that someone is watching over that new life you built is just plain unthinkable. It restricts the way you speak by simply being there. It is worse than having people actually look at the real you because you don't know who would be looking and when they would be looking. The way you act will change whether you like it or not. There is also major mass hysterics because of the act of banning websites such as Piratebay where people can usually download stuffs for free. I, for one, is also against this. Students like me have limited allowance.

How are we expected to pay for movies, songs, games? These free stuffs help us relax and unwind after heavy school work. How will we indulge ourselves in these luxuries if these sites will be banned? When the bill became a law and much more when no temporary restraining order was issued a day prior to its implementation, the whole Philippines was in rage. In Facebook and Twitter alone, various opinions on why it shouldn't have been signed to become a law in the first place were shared by different people - concerned citizens, most of them.

But it is not a secret that what enraged most Filipinos is the inclusion of Libel in the law. According to Article 353 of the Revised Penal Code: A libel is public and malicious imputation of a crime, or of a vice or defect, real or imaginary, or any act, omission, condition, status, or circumstance tending to cause the dishonor, discredit, or contempt of a natural or juridical person, or to blacken the memory of one who is dead. Although the definition is said to

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have been modified to fit the Internet, people still dispute this simply because it violates their rights for freedom of speech and expression.

The lawmakers say that when a person says something ‘negative’ about something or someone that can already be grounds for libel. What if I say “ I am so disappointed with [person/brand]. What a lousy service! ” Is this libelous or what? What if I criticize a member of the Senate for his unlawful action? Can that person sue me for libel? What if the person who wrote an article was only disseminating valuable information that people should know? Will he/she be held liable for it? When they start with the amendments, our lawmakers should not forget ARTICLE III Section 4 of the 1987 Constitution. Section 4.

No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances. I believe a person’s entitled to his/her own opinion. And the whole Philippines shouldn’t carry the burden of being silenced just because other people couldn’t accept this fact. Sources: <http://www.zdnet.com/ph/philippine-cybercrime-law-under-fire-6th-petition-filed-7000005076/> <http://www.interaksyon.com/article/44546/cybercrime-law-may-put-philippines-in-more-trouble-with-un-for-curtailing-press-freedom>

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